

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

**MISTY R. BRINSON,**

**Plaintiff,**

**v.**

**MICHAEL J. ASTRUE, Commissioner,  
Social Security Administration,**

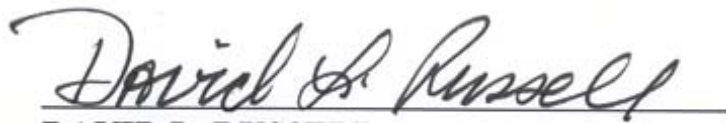
**Defendant.**

**Case No. CIV-11-1004-R**

**ORDER**

Before the Court is the application by Plaintiff and motion for attorney's fees and expenses under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. Doc. No. 23. Plaintiff seeks an award of fees in the amount of \$6,798.45. The Defendant filed a response indicating he does not object to the requested fee. Therefore, Plaintiff's application for an award of attorney's fees in the amount of \$6,798.45, payable to Plaintiff, is GRANTED. In the event these fees are paid to Plaintiff's attorney and Plaintiff's attorney recovers fees under 42 U.S.C. § 406(b), Plaintiff's attorney must refund the smaller amount of attorney's fees to the Plaintiff pursuant to *Wrenn v. Astrue*, 525 F.3d 931, 934 (10<sup>th</sup> Cir. 2008).

IT IS SO ORDERED this 3<sup>rd</sup> day of August, 2012.

  
**DAVID L. RUSSELL**  
**UNITED STATES DISTRICT JUDGE**